



# Marketing Matters

*A Practical Workshop for Young Lawyers  
on Marketing and Business Development*



## Your Guide to Developing Your Personal Marketing Plan ...and Why Every Lawyer in Private Practice Should Have One

by John Remsen, Jr.

In my humble opinion, every lawyer in private practice -- regardless of how many years practicing law -- should have a Personal Marketing Plan. Here's why:

### **You Will Seize Control of Your Career**

Creating and implementing your Personal Marketing Plan enables you to seize control of your career. In time, it puts you in a position to attract and retain clients you enjoy, and matters you find challenging and interesting. You will also be less dependent on others to feed you. There are two kinds of lawyers in private practice: lawyers with clients, and lawyers who work for lawyers with clients. Which would you rather be?

### **You Will Make More Money**

Rainmakers make more money -- *often a whole lot more money* -- than non-rainmakers in just about every law firm in the U.S. Chances are you've heard the terms "finders, minders and grinders." Trust me; the action is with the finders.

### **You Will Have More Clout in the Firm**

Lawyers who bring in business also have more power within their firms. Over time, they emerge as firm leaders, influencing important decisions about the firm, its policies and procedures, and its future direction.

### **How Much Time Should You Invest?**

Of course, *implementing* your plan is the key to success....and it takes time. Non-billable time. I recommend that Partners invest 200 hours a year, and 100 hours a year for Associates. It's critical you do a little bit every day. Fifteen minutes here. A half-hour there. Effective marketing and business development is not a "start-stop" process. It's like an exercise regimen...results come with consistency over time.

### **What Types of Things Should You Do?**

Partners should visit top clients at the clients' places of business each year. (Refer to my previous Marketing Tip about Client Site Visits.) Associates should focus first on honing their legal skills and "credentialing" activities. For all attorneys, lunch once a week with a client, prospective client or referral source is a good habit. Joining and being actively involved in a well-chosen organization is another good thing to do. (Refer to my previous Marketing Tip about Individual Marketing Plans.) Article writing and speech giving are good activities, as well.

### **Make the Commitment to Yourself**

Of course, developing and implementing your Personal Marketing Plan requires non-billable time. And, herein lies the dilemma for many lawyers. Non-billable "marketing time" is not rewarded -- and sometimes not even measured -- in many law firms. No matter, you should invest the time anyway. In his book *True Professionalism*, David Maister states that billable hours are for today's income, but what you do with your non-billable time determines your future. I couldn't agree more.

### **Just Do It!**

The following pages set forth our outline for an effective, well-focused Individual Attorney Marketing Plan. Before the New Year begins, I suggest that you take the time to review this outline, develop your Personal Marketing Plan, and commit to its implementation. Only you can do it. Do it for you!

Happy marketing!

## INDIVIDUAL ATTORNEY MARKETING PLANS

Here are a few guidelines to help you develop your individual marketing plan. Of course, one of the main purposes of a written plan is to focus your time and attention on meaningful activities that will enhance your professional reputation and allow you build relationships with persons in a position to hire or refer you.

Your Individual Attorney Marketing Plan should:

- **Play to Your Strengths and Personality**  
Not everyone is cut out to be the glad-handing social butterfly. Instead, you can help organize a firm event or write an article series for a trade publication.
- **Be Consistent with Firm Goals and Objectives**  
Ideally, the firm first determines its strategic marketing goals and objectives. After that, individual attorney plans are developed to support and achieve them.
- **Focus Your Attention**  
Your time is valuable and should not be frittered away on random acts of lunch and golf. Rather, you should focus your attention strategically in activities that will enhance your credentials and allow you to build relationships with key individuals. A plan helps you be more proactive and eliminates distractions.
- **Be Simple and Realistic**  
Your plan should be realistic and achievable. Avoid the natural tendency to spread too thin. Keep it simple. Pick your top priorities and get them done.
- **Be as Specific as Possible**  
We're talking who, what, where and when...not general statements about getting closer to bankers or CPAs.
- **Motivate You**  
....to do the things you need to do in order to achieve long-term success for both you and the firm.
- **Change Over Time**  
Take a look at your plan every month. Are you doing what you said you would do? Take pride in your progress. Make adjustments as needed.

March 2012

## INDIVIDUAL ATTORNEY MARKETING AND BUSINESS DEVELOPMENT PLAN

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NAME OF ATTORNEY: \_\_\_\_\_

AREA(S) OF PRACTICE: \_\_\_\_\_  
 (the fewer, the better)

TARGET AUDIENCE(S): \_\_\_\_\_  
 (the fewer, the better)

### YOUR TOP FIVE CLIENTS

List below your top five clients over the next 12 months. They need not be the biggest in terms of current revenue, but they provide lucrative, desirable legal work and there is strong potential for much more.

<u>Client Name</u>	<u>Description of Matter(s)</u>	<u>Estimated Fees Over Next 12 Months</u>
1) _____	_____	_____
2) _____	_____	_____
3) _____	_____	_____
4) _____	_____	_____
5) _____	_____	_____

### YOUR "A" LIST

Next, list below **at least** 15 key contacts with whom you will proactively build and enhance your relationships over the next 12 months. These contacts may include existing clients, prospective clients and/or referral sources and be sure to include contacts(s) from the clients you listed above..

Recommended relationship building activities include Client Site Visits (for clients and referral sources), ongoing personal contact, hand-written notes, regular meeting dates, invitations to Firm-sponsored seminars, entertainment, holiday card/gift, birthday card, add contact to Firm's mailing list, etc.

**YOUR "A" LIST (Cont'd)**

<b>Name</b>	<b>Company</b>	<b>Relationship Building Activities</b>
1) _____	_____	_____
2) _____	_____	_____
3) _____	_____	_____
4) _____	_____	_____
5) _____	_____	_____
6) _____	_____	_____
7) _____	_____	_____
8) _____	_____	_____
9) _____	_____	_____
10) _____	_____	_____
11) _____	_____	_____
12) _____	_____	_____
13) _____	_____	_____
14) _____	_____	_____
15) _____	_____	_____

**Activity Codes:** G= Golf, FG=Football Game, BG=Baseball Game, L/D= Regular Lunch/Dinner, CSV= Client Site Visit, HP= Holiday Party, etc

**ORGANIZATIONAL INVOLVEMENT**

List below the organizations to which you belong, your current level of involvement and your goals during the next 12 months.

<b>Bar Associations</b> (List organizations by name)	<b>Current Involvement</b>	<b>Goals for Next 12 Months</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Industry Associations / Other Organizations**

_____	_____	_____
_____	_____	_____
_____	_____	_____

**SPEECHES AND SEMINARS**

List below any speeches you intend to present, or seminars at which you will speak during the next 12 months.

<b>Organization</b>	<b>Topic</b>	<b>Date</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____

**BY-LINED ARTICLES**

List below any by-lined articles you intend to write during the next 12 months.

<b>Publication</b>	<b>Topic</b>	<b>Date</b>
_____	_____	_____
_____	_____	_____

**ONLINE PRESENCE AND SOCIAL MEDIA**

Indicate below the online networks and directories where you maintain a current and active profile.

LinkedIn	_____	Martindale.com	_____
FindLaw	_____	Chambers	_____
Best Lawyers	_____	JD Supra	_____
Other	_____		

**OTHER CONTRIBUTIONS TO FIRM'S  
 MARKETING GOALS AND OBJECTIVES**

Please list below any additional contributions you intend to make to the Firm's marketing program over the next 12 months.

**YOUR STRENGTHS AS A MARKETER**

Finally, please rate what you think your strengths are as a marketer on a 1-10 scale with 10 as the highest score.

	<b>Poor</b>	<b>Excellent</b>
One-on-One Interaction	1 2 3 4 5 6 7 8 9 10	
Organizational Involvement	1 2 3 4 5 6 7 8 9 10	
Personal Networking	1 2 3 4 5 6 7 8 9 10	
Public Speaking	1 2 3 4 5 6 7 8 9 10	
Writing Articles	1 2 3 4 5 6 7 8 9 10	
Event Organization	1 2 3 4 5 6 7 8 9 10	
Other (please specify _____)	1 2 3 4 5 6 7 8 9 10	

**TIME COMMITMENT**

Please indicate the total number of hours you intend to devote to marketing and business development activities over the next 12 months.

\_\_\_\_\_ hours

**BUDGET REQUESTED**

Please indicate the dollars you are requesting for marketing and business development activities over the next 12 months.

\$ \_\_\_\_\_

**SIGNATURE:**

\_\_\_\_\_

**DATE:**

\_\_\_\_\_

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*Law Office Management Series*

**MARKETING  
THE LAW FIRM:  
Business Development  
Techniques**

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President

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Burnsville, Minnesota

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(Rel. 3)

**§ 12.03 Individual Lawyer Marketing Plans**

As firms spend more time on marketing, it becomes increasingly apparent that for their marketing efforts to be successful, individual attorneys must play an active role in implementation. One activity which gets each lawyer involved in marketing is individual marketing plans. A survey of law firm marketing efforts reported that 41% of the firms engaged in marketing are presently using individual marketing plans for their lawyers.<sup>1</sup>

**[1]—Justification for Individual Marketing Plans**

There are many reasons for having each lawyer develop his or her own personal marketing plan. First, personal marketing efforts are something each individual can do to further him or herself while at the same time contributing to the greater good (of the firm). Everyone should be doing something. Having a personal marketing plan enables lawyers to take control of their own destinies, and there is no place where this is easier than in a law firm. Individualism and entrepreneurialism generally are encouraged; development and control of business generally is rewarded.

Second, it is important for each individual to have long-term goals. Real marketing results may not be seen for years (i.e., in the form of new business); the development of some business—new clients or new areas of practice—can take five years or more. If lawyers do not continually “plant seeds,” they will not reap the rewards as they proceed through their careers.

Third, there are many roles to play in marketing. Not everyone is good at (or enjoys) entertaining clients. Some attorneys are good writers; others enjoy making presentations. Individual plans will allow lawyers to tailor their business development efforts to their interests, strengths, practices and contacts.

**[2]—Benefits of Individual Marketing Plans**

If lawyers are encouraged or expected to undertake marketing/business development activities, having them write down their plans of action will provide several benefits:

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<sup>1</sup> The results of the survey are reported in “The State of Law Firm Marketing: 1992” (Sally Schmidt Consulting, Inc. 1992).

**[a]—Focusing Efforts.** There are many opportunities facing attorneys—interesting practice areas; potentially profitable clients; possible activities to perform. Yet with the demands of the practice, most lawyers have limited time, energy and resources to devote to marketing.

In addition, this is the age of specialization. The increasing level of competition and the sophistication of clients require that attorneys concentrate their practices. These facts point to the need for each lawyer to focus his or her efforts and resources on those areas which are most likely to produce results.

**[b]—Forcing an Analysis.** Going through the planning process will require the lawyers to take an inventory of themselves and their current situation: their strengths, weaknesses and interests; their competitors; the firm; their contacts; etc. Since planning is an annual effort, it will give the attorneys an opportunity to regularly and systematically survey the future: What trends, opportunities or threats exist? What events or situations can the firm capitalize on?

Individual planning will help attorneys spot potential threats to their practice or clientele, as well as anticipate needs for new services or other opportunities. This will allow the firm to act, versus react, and to maximize the effectiveness of the lawyers' activities.

**[c]—Committing to a Course of Action.** Once the lawyers have plans, they are able to set a course and avoid the distractions of perceived opportunities or new ideas which may arise. Every lawyer will have times when client demands are all consuming, but when the urgency subsides, the lawyer will have something in writing which guides him or her back on course.

This is not to say that a plan is inflexible. If a truly outstanding or attractive opportunity arises—a hot prospect, an idea for a seminar, or a new practice opportunity, for example—it may be something the firm should consider and act upon. Having a written plan simply requires that the decision to divert and pursue another opportunity is done consciously, and is weighed thoughtfully against a recorded document.

**[d]—Providing a Yardstick for Measurement.** Finally, and perhaps most importantly, a written plan will provide a way for lawyers to evaluate the results of their efforts. Many attorneys undertake marketing activities and later wonder if they have been effective. A written plan—if done correctly—will provide a

measurement tool because it requires developing and stating specific, measurable objectives against which progress can be evaluated. Upon completion of an activity, project or year, the lawyer can determine whether the program was effective and/or produced the intended results.

### **[3]—The Individual Planning Process**

**[a]—Situation Analysis.** The first phase in planning is to do a situation analysis; the same holds true for individual planning. This would involve an analysis of external factors (threats, opportunities, commitments and contacts) as well as a personal analysis of the lawyer's strengths, weaknesses and skills.

As a first step, most lawyers would benefit from outlining their strengths and weaknesses in each of the following internal (i.e., personal) areas:

(1) *Practice Areas/Expertise:* For example, a litigator may recognize his experience in construction litigation as a strength, and lack of trial experience as a weakness.

(2) *Marketing-Related Skills:* A lawyer may see his writing skills as a strength, and public speaking as a weakness.

(3) *Firm Activities/Reputation:* The lawyer may perceive as a strength her participation on the firm's recruiting committee, and the firm's lack of visibility in the tax area as a weakness.

(4) *Clientele/Markets Served:* An attorney may see a strength in the number of health care clients with whom he has worked, but a weakness in having failed to develop personal relationships with key managers at these client entities.

(5) *Other: Personal:* A lawyer may consider her writing skills and enjoyment of history as strengths, while her time management skills as a weakness.

As a second step, the lawyers should conduct an "external" analysis, identifying opportunities and threats in the following areas:

(1) *Practice Areas:* The litigator may feel that an opportunity exists in environmental related practice areas, but that alternative dispute resolution techniques are definite threats.

(2) *Clientele/Markets:* A lawyer may feel that the construction

industry in his geographic area is facing an economic upturn, but that client efforts to bring more litigation work in-house is a threat.

(3) *Competition*: The lawyer may feel that XYZ law firm is a definite threat, because of its broad base of clients in the construction area, but that its lack of a strong reputation presents an opportunity.

(4) *Other: Political, Economic, Social*: A litigator feels that renewed government interest or emphasis in antitrust issues may present an opportunity among his targeted clientele, but that legislation to contain the cost of litigation would hurt the practice overall.

The third and final step in the situation analysis is to identify key resources for the attorney's plan:

(1) Publications read by targeted clients or referral sources (for article placement, advertising, information or listings).

(2) Associations or organizations consisting of or attended by targeted clients/referral sources (for speeches, leadership, education or other activity).

(3) Key contacts such as clients, prospective clients, referral sources, and others, such as trade association leaders (for potential business, referrals, services, information or other assistance).

**[b]—Mission.** After the lawyer has identified/analyzed his or her situation, the second phase of personal planning involves writing a mission. A mission for the firm explains why it is in business; similarly, a mission for a lawyer should explain why he or she is in the practice of law. It is a long-term statement which explains where the lawyer wants the practice to go. In one law firm which encouraged its lawyers to plan, one attorney's mission was to become a bankruptcy judge; another an in-house counsel; still another to concentrate his practice in the area of franchising and small businesses; and finally another to develop a practice working with women and minority-owned businesses.

**[c]—Long-Term Goals.** With a mission outlined, the third phase of planning is to identify some long-term goals, which are basically steps toward the mission. They are things unlikely to be achieved within a year's time.

Long-term goals may include:

- (1) Improving profitability or productivity;
- (2) Developing a new practice area;
- (3) Developing new clients in a specific area of practice;
- (4) Increasing knowledge of or “specialization” in an area;
- (5) Improving communications with clients;
- (6) Improving personal skills (e.g., becoming a better public speaker);
- (7) Becoming an acknowledged “expert” in an area; and
- (8) Gaining visibility in a certain area.

**[d]—Objectives.** Since goals are of a long-term nature, the fourth phase in planning is to list some objectives—things the lawyers will do in the next year to work toward their long-term goals. Objectives are short-term, quantifiable, and measurable. They also should be realistically attainable.

Since they need to be quantified, objectives may include:

- (1) Hours worked or spent on an activity (e.g., billable activities, professional activities, administrative activities, marketing, research, education, etc.);
- (2) Increased revenues in an area;
- (3) New clients/number of matters obtained in an area;
- (4) Number of communications with clients;
- (5) Number of articles written; and
- (6) Number of presentations made.

**[e]—Strategies.** The fifth phase of planning is the development of strategies. Strategies are the link between objectives—the things which a lawyer would like to do in one year—and the detailed action plan of how it will be done. Strategies are methods for achieving the objectives. To illustrate, each of the following objectives could be met with a number of different strategies:

If the objective is:

Increasing visibility by getting media mention two times regarding the lawyer's skills in the banking area.

Strategies could include:

- (1) Writing articles
- (2) Making speeches and getting quoted
- (3) Taking a leadership role in an association
- (4) Cultivating a relationship with an editor

Communicating with clients three times regarding changes or updates in the law.	<ul style="list-style-type: none"> <li>(1) Newsletters</li> <li>(2) Client communiques</li> <li>(3) Seminars</li> <li>(4) Proposals</li> <li>(5) Letters/Memoranda</li> <li>(6) Telephone calls</li> <li>(7) Presentations</li> <li>(8) Entertainment</li> </ul>
Building a practice in patent law, increasing the number of clients using this service by 10%.	<ul style="list-style-type: none"> <li>(1) Taking the patent bar</li> <li>(2) Hiring a lateral attorney in patent law</li> <li>(3) Merging</li> <li>(4) Using paraprofessionals</li> <li>(5) Taking Continuing Legal Education courses</li> <li>(6) Improving technology</li> <li>(7) Providing in-house training</li> </ul>
Specializing or building expertise in the area of franchising by spending 100 hours on development.	<ul style="list-style-type: none"> <li>(1) Working with a mentor in this area</li> <li>(2) Taking Continuing Legal Education courses</li> <li>(3) Watching videotapes</li> <li>(4) Conducting research</li> <li>(5) Participating in bar association activities</li> <li>(6) Writing articles</li> <li>(7) Making speeches</li> </ul>

**[f]—Individual Marketing Action Plan.** The last, and perhaps most important, phase in planning is translating the attorneys' research and ideas into detailed, written action plans. This involves establishing priorities which capitalize upon strengths, build upon weaknesses, and cultivate contacts.

The individual attorney marketing action plan should identify very specific activities to be undertaken, who has responsibility, the deadline for completion, and what the budget (time and/or money) will be. Examples of good action plan items include:

- (1) Take a CLE course in arbitration and mediation techniques by September 1.
- (2) Entertain Mr. Smith of XYZ company once each quarter.
- (3) Write an article on condemnation for a real estate publication by March 31.

At a minimum, each lawyer should identify:

- (1) One activity to demonstrate substantive expertise (e.g., article, speech, seminar, brochure);
- (2) An organization in which to become visible or a leader (e.g., civic, community, charitable, bar, trade, or industry);
- (3) A method of skill or expertise development, substantive or marketing-related (e.g., continuing legal education, a book, a seminar, etc.); and
- (4) A list of contacts with whom to network or from whom to develop business (including existing clients, potential clients, and referral sources).

A sample of an Individual Marketing Plan form is included as Table 12.1.

**Table 12.1**

**INDIVIDUAL MARKETING COMMITMENTS**

**A. FACE TO FACE CONTACT:** clients, prospects & referral sources

(List a minimum of three)

- |  |  |
|--|--|
| <input type="checkbox"/> Client surveys/Audit                      | <input type="checkbox"/> Seminar                   |
| <input type="checkbox"/> Entertainment (e.g., lunch, dinner, etc.) | <input type="checkbox"/> Get togethers             |
| <input type="checkbox"/> Introductions                             | <input type="checkbox"/> Open houses               |
| <input type="checkbox"/> Jointly sponsored programs                | <input type="checkbox"/> Meetings                  |
| <input type="checkbox"/> Audits of procedures                      | <input type="checkbox"/> Hosting industry meetings |
| <input type="checkbox"/> In-house training/Workshops               | <input type="checkbox"/> Visits/Internships        |

<u>PERSON</u>	<u>PROPOSED ACTIVITY</u>	<u>TARGET DATE</u>	<u>PROPOSED FOLLOW UP</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**B. REPUTATION/CREDIBILITY/VISIBILITY**

(List a minimum of one)

- |   |  |
|---|--|
| <input type="checkbox"/> Writing articles             | <input type="checkbox"/> Communiques/<br>Legal updates |
| <input type="checkbox"/> Firm newsletter              | <input type="checkbox"/> Seminars                      |
| <input type="checkbox"/> Teaching                     | <input type="checkbox"/> Announcements                 |
| <input type="checkbox"/> Jointly sponsored programs   | <input type="checkbox"/> Press releases/Publicity      |
| <input type="checkbox"/> Hosting industry meetings    | <input type="checkbox"/> Internal memoranda            |
| <input type="checkbox"/> Speaking                     | <input type="checkbox"/> Advertisements                |
| <input type="checkbox"/> Industry research/Promotion  | <input type="checkbox"/> Listings in directories       |
| <input type="checkbox"/> Communicating results        | <input type="checkbox"/> Direct mail                   |
| <input type="checkbox"/> Sending articles of interest |  |

<u>TARGET AUDIENCE OR PUBLICATION</u>	<u>PROPOSED ACTIVITY</u>	<u>TARGET DATE</u>	<u>PROPOSED FOLLOW UP</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**C. MARKETING SKILLS/RESOURCES/EXPERTISE**

(List a minimum of one)

- |   |   |
|---|---|
| <input type="checkbox"/> Develop mailing list                               | <input type="checkbox"/> Legal research                                     |
| <input type="checkbox"/> Research market or prospects                       | <input type="checkbox"/> Teaching   |
| <input type="checkbox"/> Monitor referrals                                  | <input type="checkbox"/> Develop practice group resume                      |
| <input type="checkbox"/> Prepare updated resume                             | <input type="checkbox"/> Develop informational brochure, audit or checklist |
| <input type="checkbox"/> Develop proposal language/ Letter of qualification | <input type="checkbox"/> Communiques/Updates                                |
| <input type="checkbox"/> Develop presentation materials                     | <input type="checkbox"/> Industry research                                  |
| <input type="checkbox"/> Marketing skill development                        |   |

<u>PROPOSED ACTIVITY</u>	<u>AREA OF INTEREST</u>	<u>TARGET DATE</u>	<u>PROPOSED FOLLOW UP</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**D. OUTSIDE ACTIVITY/NETWORKING**

(List a minimum of one)

- Membership activity in a professional, industry or trade association
- Leadership position in a professional, industry or trade association
- Sponsorship of activities/groups
- Establishment of activities/groups
- Attendance at key professional, industry or trade conferences/meetings
- Civic/charitable activities

<u>ORGANIZATION</u>	<u>ACTIVITY COMMITTEE OR LEADERSHIP POST</u>	<u>TARGET DATE</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Sally Schmidt Consulting, Inc.  
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#### **[4]—Conclusion**

Individual marketing plans are an excellent way to communicate to the attorneys that everyone plays a role in marketing, yet there are many roles to play. At the same time, they will help the attorneys organize their personal efforts, presumably leading to greater success.

Ideally, each lawyer's marketing plan will contribute toward the goals of the department/practice area and firm. At the same time, someone in the firm must take responsibility for overseeing and coordinating the lawyers' efforts to ensure that activities do not overlap (such as targeting the same prospective client) or conflict (such as developing labor and employer side work).

# THE RAINMAKING MACHINE

MARKETING, PLANNING, STRATEGIES,  
AND MANAGEMENT FOR LAW FIRMS



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complete. The firm has implemented its marketing program over the last several months. All systems are in place, research has been done, articles have been written for this year, brochures and other materials have been prepared, continuing activities are underway, and the bulk of the year's recruiting efforts are over.

It is too early for a comprehensive tally of new business attributable to the new marketing program. But certain concrete results are visible already in recruiting, inquiries about the firm from businesses in the targeted areas, and name recognition among the legal profession and business communities. Although the firm has obtained some business from small growing companies in the energy and high technology fields, there is no deluge of new business, at least not yet. But expansion is at a manageable rate, which will not leave the firm with severe growing pains. The important thing is that growth is coming in desirable areas and building a strong foundation for the future.

Business development is an ongoing process, requiring continuing attention. But once the organizing takes place and systems are set in the first year, the biggest investment is made and the hardest work is done. While there is no doubt that a big adjustment in organization and attitudes is required for most firms, the investment pays off many times over in a smooth professional operation, time saving, avoidance of crisis deadlines, happier and more congenial staff, less costly turnover, and satisfied clients who know what and who they are hiring.

#### § 18.04. PERSONAL MARKETING PLANS.

##### [1]—Purpose.

To bring the commitment to marketing to the individual level, personal marketing plans are a useful device. The plans allow individuals in a firm to choose and commit themselves to the marketing activities and prospects they are most comfortable with and interested in pursuing.

When the plans are outlined in written form, they should be reviewed by the Business Development Committee (or, if there is none, by the managing partner) for conformance to the firm's overall marketing plan. Then they should be circulated to all lawyers and other personnel involved in marketing for two reasons:

- Participants should know what other firm members are pursuing, how others' plans dovetail with theirs, how they can help each other and avoid conflicts.
- This wide exposure of commitments is a form of peer pressure to act on the personal plans.

The written form (Exhibit 18--D) provides guidelines and structures for an individual's plan. It can be very explicit or more general, giving individuals latitude to write their own ideas.

### **[2]—Activities Covered.**

Depending on the scope of a firm's plans and strategies and the preferences of individual lawyers, the activities pursued in personal marketing plans might be very narrowly focused or wide ranging. They might include:

- trade or industry organization activity
- community or political organization activity
- professional organization activity
- social or alumni club activity
- article writing for lay audiences
- article writing for other professional audiences
- speaking engagements to industry groups
- speaking to general audiences
- client seminars
- teaching
- client meals and entertainment
- prospective client lunches, dinners, other meetings
- lunches, dinners, or breakfasts with current or potential referral sources
- development of presentations by the firm
- work on the firm's newsletter
- work on the firm's brochure
- participation in the management of marketing the firm

**[3]—Participation and Accountability.**

Plans are worthless without implementation. Some firms are loose about accountability and enforcement. Others require a specific number of business development hours per year from each partner or all attorneys. Compensation systems can be designed to encourage the lawyers to carry out their personal marketing plans. Some firms will not want to enforce strict time and activity commitments, but unless there is some accountability system, 30% or less of the lawyers will work hard at business development and the rest will do little.

To show that the firm is serious about each person's contributions, progress on the plans should be reviewed and evaluated quarterly. New activities can be added at any time or substitutions can be made. Attorneys should be encouraged to branch out to new activities after they have accomplished what comes easily.

**§ 18.05. STRATEGIES FOR MEDIUM-SIZE FIRMS.**

There is no doubt that the problems medium-size firms face are tough. However, reports of the impending demise of the 25–99 lawyer firm may be greatly exaggerated. If a firm acts to capitalize on the distinct advantages of its size and confront its liabilities, it is possible to maintain its position and, if necessary, effect a turnaround.

**[1]—Key Problems.**

In summary, the key problems are

- rising costs of salaries, office space, malpractice insurance, automation;
- raiding by other firms of key partners and well-trained specialized associates with the lure of higher compensation;
- staying competitive with large firms on associates' salaries;
- declining profitability as general counsel take work in-house and send the most lucrative work to larger firms;

# Young Professionals: Cultivate the Habits of Friendship

By David Maister

Most young professionals realize early in their careers that, at some point, skill in generating business will be an important determinant of their success. However, many believe that, in the early stages of their career, they do not have much opportunity to develop these skills.

This could not be further from the truth. True, few clients will trust someone still “wet behind the ears” with their business, but it is never too early (or, for that matter, too late) to begin the process of learning how to earn and deserve trust.

The way most clients choose among professionals is essentially identical to the way people choose their friends. At the point of selecting a professional to work with, clients go with providers who can (a) make them feel at ease; (b) make them feel comfortable sharing their fears and concerns; (c) can be trusted to look after them as well as their transaction and (d) are dependably on their side.

Creating these feelings in others begins with the correct attitudes (few people can make others think they care when they don't) but also require the development of conversational and interpersonal skills, which only come with practice.

If you have an active social circle and people like being with you in your personal life, the odds are that you will have a significant advantage in learning the skills and habits of business development. If, on the other hand, you're a social recluse personally, you will find it more difficult to get clients to see you as the trusted advisor they wish to work with.

Two key points must be stressed. First, none of this means that you can be anything less than excellent technically. The issue is not whether you are competent or trustworthy, but whether or not you are *both*.

Second, it is not necessary (or even always advisable) to actually make your clients your best friends. Friendship skills, while useful in both personal and professional life, can be put to different purposes. But first you have to develop them.

## Making Friends

I had to learn these lessons the hard way. For years, I have worked for clients who have been gracious enough to invite me to dinner the evening before or after my work with them. They weren't trying to get more work out of me; they just wanted to be sociable.

However, after a long day's work, the prospect of still being "on duty" has not been attractive to me. It's not that I don't like my clients, but that I prefer to unwind by being alone. I'm not *that* sociable by nature. (I don't drink, I don't like sports. I like the Bee Gees. You get the idea.)

This is something I now regret. I have missed a lot of opportunities to form relationships with interesting people, and I know it would have helped me a lot professionally to make the gesture occasionally. I have tried to make up for it by being attentive and dedicated to my clients on the work issues during work hours, and to some extent that has been effective.

But I know I missed something important due to my social habits. At a minimum, I have undercapitalized on the many opportunities given to me to build profitable and fulfilling long-term client relationships.

### **A Talent For Friendship**

There are people in this world who have a talent for friendship. My (late and very lamented) friend Roger Bennett, with whom I went to Harvard Business School, was so good at friendship that, in his 40s he was still in regular touch with people he went to school with at age 12, with people from all walks of life, tastes, social standing, income levels and preferences.

Roger could talk sports with some people, switch to an intellectual discussion of philosophy with others, share cooking tips with a third group. Lots of people considered Roger their

best friend, and few people did not enjoy his company.

Yet he was never anything but himself. He was not a chameleon, acting differently just to blend in. He fit in everywhere because he was interested in a broad range of things.

The actress Angelina Jolie was interviewed on television and asked if she had to like the characters she was portraying in order to act them well. Her answer was brilliant. She said something like: "You can't love everything about everyone. But there must be something there. The key is to find that one small slice of overlap between you and them, and focus intensely on that overlap, ignoring everything else." I don't know about acting, but that sounds like a perfect recipe for human relationships to me.

Someone can be your friend if you have *anything* in common. You don't need a majority of things in common. There are none so lonely as those who dismiss others as "not my kind of person." If someone else has to match you to be your kind of person, you will have few friends.

Notice, it's not about pretending. It's about actually working hard to find the area of mutual interest or common ground, whatever that might be. People can get very lazy at this, or unpracticed in doing it with politeness and sincerity.

For example, if I am in the wrong mood, I can find table talk at a dinner party to be an effort. I say to the person my left "And what are your hobbies?"

“Oh,” he or she might reply, “I love mountain climbing.”

At this point I have to fight an overwhelming desire to turn immediately the person on my right side to save me from having to ask a follow up question with the first person. Mountain climbing! Ye gods, this is going to be a long night!

Other people can and do immediately think of three or four follow-up questions (“Where do you go? Do you climb alone? What got you started in this?”) and can keep posing additional questions all evening long.

By the end of dinner, their table companion, who has done nothing but talk about himself or herself the whole time has come to think of the questioner as an enjoyable person to be around. He or she will look forward to meeting again.

So it is with business development and client relations. The most trusted advisors in every profession are not those who have a ready answer for every client problem, but those who can, through questions and conversational style, put the other person at ease, make them want to tell you about themselves and engage in a dialogue.

And just as in personal life, it is done not by trying to be impressive, but by learning how to show a genuine interest in other people and keep them talking, not primarily doing the talking yourself.

Can this habit be abused? Yes. Will it work if you are only faking it? No. Can you leave it out? No.

Surprisingly, it also turns out that you are also more likely to build a bond with someone by letting them help you than being too keen to try and help them. My wife, Kathy, is involved in a variety of handcraft groups. She reports that some of her most dedicated friendships began when she confessed her (relative) weaknesses and accepted help from others, whereas those she helped often resented (a little or a lot) having to seek out or accept her input.

Again, this matches client relationships and business development. You will accomplish more by saying to potential clients “I’m not sure I understand why you are doing things the way you do, could you explain it to me?” than you will by saying “If you’ll just shut up and listen, I’ll tell you the right answer to your problem.”

As professionals, we sometimes think that, to be impressive, we must demonstrate our competence by never revealing our weaknesses or areas of ignorance. This belief is incorrect. One of the ways you build friendships is to let people help you. Developing the self-control to do it that way is a lifelong learning process!

### **Start As You Mean To Begin**

When I was young I thought that the way you made friends was by turning yourself into an interesting person. Eventually, I learned the truth: You don’t make people want to spend time with you because they feel good about you. You do it by making them feel good about *themselves* when they are with you.

For example, do people feel comfortable around you? (No, she's always trying to be the center of attention.) Do they enjoy themselves when they are with you? (No, he's always trying to win arguments and prevail.) Do they feel they can let their guard down and tell you how they really feel and what they are really worried about (No, because when I do people are always trying to take advantage of me. I don't trust them to be really interested in me.)

None of this means you need to make people feel good by engaging in false flattery, which is soon detected and rejected. It means that you learn to talk and act in ways that make people feel comfortable and safe around you. They feel that you are *on their side*. That you can disagree and have lively debates without taking things personally, because the friendship matters more than anything else.

It turns out to be the same in business development. The key to getting hired is not convincing the client things about you ("I'm terrific, trust me!") but being convincing that you will look after them.

It's also worth pointing out that, with people, you get points for trying. It's like a romantic relationship. You don't have to be perfect. Your partner just wants to see that you're sincerely trying to do the right thing. Your motives are more important than your abilities.

### **Friendship Attitudes and Behaviors**

Abilities, however, do count and that's where getting started early matters.

Suppose you wanted to be good at building romance, excelling at getting

another person to work with you to build a mutually beneficial, mutually supportive relationship. What characteristics would make you good at this? Most of us have discovered that whether it be love, friendship or work, people respond best when they believe you are *considerate, supportive, understanding and thoughtful*.

These are easy words to say, but being viewed this way is not trivial. You actually have to earn the reward through your social habits. Many of us want to be considered as supportive, but that doesn't mean we know what to do in order to be seen that way.

For example, to be seen as considerate you have to be able to remember to follow up with things that people told you about their lives last time you met, thus proving that you listened and paid attention. The classic example of this in business is to send along a newspaper clipping or article that you find that responds to something the other person made reference to.

To achieve the desired effect, this must not come across as, and must not be, a formulaic gesture. You don't "cheapen the currency" by doing it all the time, and you must ensure that the clipping or article actually *is* useful so that you are not immediately seen to be making phony gestures.

It also helps to follow up with questions about what you were told last time you met, as long as you are skilled in phrasing your query ("How did it all work out with that guy you met?") so that it comes across as concern and not as overly intrusive.

This is a delicate issue of language, which needs to be done differently with different people. They are not inherent talents, but habits of social intercourse. Habits that can only be developed with practice.

Social courtesy works in personal and business life. It is remarkably effective to remember to telephone your host or hostess the day or week after a party to say something like “I just wanted to say thank you for the party the other night. I had a great time. What time did you eventually get to bed after clearing up the mess we all made?”

Exactly how formally or informally this will be expressed is different in different parts of the world, and among different types of people, but the habit of expressing appreciation (and judging just how much is enough without being false) can – and must be – developed over a lifetime.

Similarly, it is remarkably powerful to call clients after a business meeting to say something like: “I just wanted to let you know how much I appreciate the opportunity to work with you. Thanks! See you next time, as planned.”

Done with a sensitivity to local culture and phraseology, such a call can go a long way to making the other person realize that you do not just see him or her as a “business contact,” but as a person with whom you want a friendly relationship. Not everyone will reciprocate, but the majority of people will.

If you do not develop the habit early in life, the act of making such a telephone call after a meeting could feel awkward

and you will either leave it out or do it poorly, not quite creating the casual, comfortable “just a quick call between us friends” atmosphere that you wish to create.

For example, my old friend Roger was very good at working at staying in touch with everyone. He didn’t need an excuse to telephone. He would just pick up the phone to ask how everything was going. He did that to all his business clients as well as his friends. To him, there was no difference, and one context was no more difficult or embarrassing than the other. It was just the way he dealt with people.

To be viewed by other people as *supportive* also takes thought and careful attention to language. It is important to remember that friends don’t judge each other. They don’t evaluate. They don’t point out each others’ weaknesses. Even when asked directly (“Do I look fat in this?”), friends work hard to find the language that deflects criticism (“I like the other dress better.”)

Suppose that your friend has a child that is badly behaved. You don’t say “Your kid is a little horror!” nor “You’re raising that kid incorrectly”, even though both statements may be true. Instead, a friend might say something like “Have you ever thought about doing or saying ‘such-and-such’ to little Ashley?”

Having the ability to respond with the right phrase in real time takes practice, as do all social skills. Can you recall how difficult it was to find the right words and tone when you first wanted to signal to someone that you might be interested in a date? Can you imagine what it would be like if you still had to

do it the same way today as you did that first time?

So it is with business development. If the first time you try to convince someone that you are interested in them and their business and want to help is when it is urgent for you to win business, you will be under too much pressure to learn it fast. Better to start practicing now, when there is less pressure for immediate results and more room to develop your own style, discovering what works for you.

### **Cheers! Skol! Salud!**

In almost every society, ancient and modern, the cultural norm is to build friendships over food and drink. There is no more culturally accepted way to develop a friendship than to share a meal.

You want to be good at business development later in your career? Start inviting the people that you meet in the course of your work (whether they are powerful client executives, administrative assistants or anyone else) for coffee, lunch, a drink.

Ask them about their work lives and their personal lives. Do it as an exercise in developing your “curiosity muscles.” Do it as an exercise in asking good follow up questions about what people tell you. Do it to develop your ability to understand other people who are not like you. Do it now.

If your reaction is that doing so will not pay off for you immediately and therefore is not worth doing now, then you are missing the whole point about human relationships and you are going

to be very bad at getting people to entrust you with their business.

If you only do things when it pays off for you in the short term, your attitude will be readily transparent. People will see that you view them “instrumentally,” interested in them only to the extent that you can get what you want. And if they detect this in you, they will give you what you want less often.

The key to business development success is making people believe that you are truly interested in a two-way relationship, and that you are willing to earn and deserve your relationship. You must first make deposits in the “trusting relationship bank” if you wish to make withdrawals later.

You will actually need to be willing to get interested in people and initiate relationships, and that means being willing to ask someone out for a drink without being self conscious about it. And the only way to get to that stage is to have a history of doing it!

One of the most important habits of friendship is taking the initiative and doing the inviting, not just waiting to be invited. Do you remember that from adolescence? The way you get people to ask you out for a drink is to ask them out for a drink first. If it feels uncomfortable the first time, and an act of tremendous courage, well, it is.

We all need to get to the stage that we can talk to someone we’re interested in (a client or a romantic prospect) without being frozen into inaction by our hopes and fears. The guidelines are well known. Keep it casual, keep it small,

take it a step at a time, but get out there and start meeting people.

Yes, we hated it when our parents told us to do that as children and it doesn't make it any less terrifying today, but the habits are identical and you don't get better at them by going to a training program.

### More Friendship Habits

People good at friendship work hard at developing joint habits and routines, whether it's as simple as discussing "last night's game" or going to the same place each time for a cup of coffee. For my friend Roger and me, regular sessions of playing cribbage (the card game) became our way of cementing and celebrating our bond. I rarely played the game with anyone else.

Good friends go out of their way to celebrate each others' small triumphs and make it their business to be there in times of need for their friends. They stay alert for any opportunity to help, in ways big or small, without keeping track of who has done how much for whom. That's *exactly* what happens in effective business development.

Clearly, there is more to say about friendship skills, but my purpose here is not to report everything you have to learn. Goodness knows, I have only learned a little of what I should have. The key lesson is that it is learnable. You don't have to be a natural to get better at this.

And, for goodness sake, start earlier than I did!



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**ABA's "MODEL DIET"  
FOR ASSOCIATE ATTORNEYS**

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<b>Activity</b>	<b>Number of Hours per Year</b>
Billable Client Work	1,900
Pro Bono Work	100
Service to the Firm	100
Client Development	75
Training and Professional Development	75
Service to the Profession	50
	———
<b>TOTAL</b>	<b>2,300</b>

Source: American Bar Association  
Compilation includes all types and sizes of law firms

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